

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
  
Plaintiff-Respondent,

v.

MARIO ALBERTO HERRERA-PEREZ,  
  
Defendant-Movant.

CASE NO. CR09-5601BHS

ORDER DENYING MOTION FOR  
REDUCTION OF SENTENCE

This matter comes before the court on Defendant-Movant Mario Alberto Herrera-Perez' (Herrera-Perez') Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582. Dkt. 268. The court has reviewed the motion and the government's response (Dkt. 275).

Defendant seeks a reduction in sentence based on Amendment 788 to the Sentencing Guidelines which made Amendment 782 to USSG § 2D1.1. Because the sentence that Herrera-Perez is serving is the applicable mandatory minimum sentence required by 21 U.S.C. § 841(b)(1)(A), Defendant is ineligible for a reduction in sentence under 18 U.S.C. 3582(c)(2) and his motion should be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED that Herrera-Perez' Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582 is DENIED.

Dated this 15<sup>th</sup> day of October, 2015.



BENJAMIN H. SETTLE  
United States District Judge